IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 7899 of 1995

Between:

1. Mareboyena Koti Reddy S/o.Peda Ranga Reddy, Aged: 50 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

2. Mareboyena Jayamma W/o.Kodanda Rami Reddy, Aged: 30 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

3. Mareboyena Koti Reddy S/o.Pedajati Reddy, Aged: 45 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

4. Mareboyena Nagendra Reddy S/o.Peda Ranga Reddy, Aged: 32 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

5. Mareboyena China Nagendra Reddy S/o.China Ranga Reddy, Aged: 35 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

6. Mareboyena Subamma W/o.Venkata Reddy, Aged: 40 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

7. Kanumuri Ayyanna S/o.Pullaiah, Aged: 45 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

8. Masuboina Pulla Reddy S/o.Peda Ranga Reddy, Aged: 50 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District.

9. Mareboyena Subbi Reddy S/o.China Ranga Reddy, Aged: 35 years, Occ: Cultivation, R/o.Pathapadu H/o.Devarapadu village, Ongole Mandal, Prakasam District. **..... PETITIONERS**

AND

1. The Mandal Revenue Officer, Ongole Mandal, Prakasam District.

2. The Village Administrative Officer, Devarampadu village, Ongole Mandal, Prakasam District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the notice dated 5.4.1995 issued by the 2nd respondent as illegal, arbitrary, unjust and without jurisdiction by issuing appropriate writ, order or direction and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioners : MR.M.V.S.SURESH KUMAR

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER :

Following Notification issued by the 2nd respondent has been challenged in this Writ Petition, as is being without jurisdiction and without authority of law;

> *"It is hereby informed to the villagers of Devarampadu village and its hamlets Gundayapalem, Sangadipallipalem, Chintayagaripalem, Pedarevampadu, Boddulurivaripalem and Pathapadu that illegal occupation and alienation of the Government land, Poramboke Land and D.K.Patta land is prohibited situated in Devarampadu village. Sturn action will be initiated against the persons, who violate the prohibitory order under the Land Encroachment Act. Digging of fish ponds and ponds for rearing prawn is prohibited in the said land. Action will be initiated on the persons who violate the law."*

Counter has not been filed. The learned Counsel for respondents has also not been able to show me that the Village Administrative Officer had any power or jurisdiction to issue a notification of the nature of the impugned one. Though the learned Counsel for respondents submit that there are some guidelines issued by the Government of India and certain Committees had been framed to safeguard the ecology, but it has not been shown as to under what power the 2nd

respondent has issued such a notification.

For these reasons, the Writ Petition is allowed and the impugned notification issued by the 2nd respondent is quashed. However, the respondents are free to implement the policies if any and pass appropriate orders if advised so.

Writ Petition is allowed accordingly. No order as to costs.

_____

3rd February, 2005 BILAL NAZKI, J

ajr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Thursday, the Third Day of February, Two Thousand and Five.

To

1. The Mandal Revenue Officer, Ongole Mandal, Prakasam District.

2. The Village Administrative Officer, Devarampadu village, Ongole Mandal, Prakasam District.

3. Two C.Cs. to the GP for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two C.D. copies.